

# Town Council Meeting: 08 November 2010



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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## MINUTES

**Call to Order:** Mayor Keller called the meeting to order at 8:00 PM. Present were Councilmembers Irons, Mandel, Petito, Schulp, and Wegner. Also present was Administrator Pratt, Margaret Soltan of the *Bugle*, and a number of Town residents.

**Approval of Agenda:** The agenda was approved as posted without objection.

### Mayor's Report:

- Mayor Keller thanked Councilmember Mandel for his recent service as Acting Mayor and announced that Councilmember Schulp had agreed to serve as Acting Mayor from November 11<sup>th</sup> to the 16<sup>th</sup>.
- Mayor Keller reported that the deed for the Community Center has been completed and signed, and is now waiting to be recorded.
- Mayor Keller also reported that the reciprocal easements between Town and the Board of Education are being drafted by the Board in final form, but are agreed to in principle.
- The Mayor noted that the primary element remaining with respect to the Community Center is finalizing the lease with Garrett Park Nursery School. This should be completed by the end of November. The Nursery School has retained an architect and planner and will meet with Town representatives to review renovation plans.
- Mayor Keller briefed the Council on the MML Fall Meeting, which focused on the need to reinstate state payments to municipalities for programs such as the Highway User Fund. It was reported that the decline in State receipts was leveling off, but substantial improvement in State revenues of all types was likely a number of years away.
- The Mayor reported that a new program, "Sustainable Maryland", was outlined at the MML meeting. It is modeled on a successful program in New Jersey and should start late this year or early in 2011.

- Mayor Keller reminded the Council that the regular December Council meeting would include dinner with the District 17 representatives and coffee and dessert with Town residents.
- The Mayor reported that he had the opportunity to meet over lunch with Mohammad Turay, the new Parks Department manager for the Montgomery County Parks in town. Parks & Open Space Committee Chair Ida Sullivan had arranged the lunch; resident Frank Obrimski from the committee, and Russ Arrington, the former manager of this area for the county, also attended.

**Councilmember's Reports on Areas of Responsibility:**

- Councilmember Schulp reported on the Tree Walk on Sunday with Town Arborist Phil Normandy. Mr. Normandy gave a detailed explanation of the assessment of the large tulips on Keswick and Oxford Streets. Attendance was good, with 20 people participating.
- Councilmember Irons reported that Suzanne Grefsheim and John King have put together a 2-page comparison of Garrett Park Land Use Task Force recommendations with the current Garrett Park Code. Councilmember Irons noted that she had contacted the University of Maryland to see if the Town can get an intern to assist with the analysis. Councilmember Irons also reported that she had attended the first presentation on proposed zoning changes by the contractor hired by the Montgomery County Planning Board. The Town will post a link to this report on its website. Next report is due in December.

**Approval of Minutes:**

- Councilmember Wegner **MOVED**  
That the minutes of the 09/13/2010 Regular Council Meeting be approved as circulated. Councilmember Mandel seconded the motion, which **PASSED** unanimously.
- Councilmember Wegner **MOVED**  
That the minutes of the 10/11/2010 Regular Council Meeting be approved as circulated. Councilmember Mandel seconded the motion, which **PASSED** unanimously.

**Action/Discussion:**

- Adoption of Ordinance 2010-04: Adding \$50,000 to both Operating and Capital Contingencies – Mayor Keller restated the motion to adopt. After brief discussion, Councilmember Irons **MOVED**  
That Ordinance 2010-04, introduced in the October Council meeting, appropriating \$50,000 from available funds in the Town's treasury ("Free Cash") to be applied as follows: \$30,000 to re-fund Contingency (19000) to a total of \$30,000, and \$20,000 to increase Capital Contingency (23900) to a total of \$57,830, be adopted.

Councilmember Wegner seconded the motion, which, after brief discussion, **PASSED** unanimously.

- State Shared Revenue Resolution – Mayor Keller referred the Council to the draft resolution circulated by email and in the Council’s meeting packets, noting that shared state revenues had been a major topic of concern at the MML Fall Conference, as he had noted in his report. After discussion, Councilmember Wegner **MOVED**

That the Council approve the Resolution Regarding State Shared Revenues (attached to these minutes). The motion was seconded by Councilmember Schulp and was **PASSED** unanimously.

- Councilmember Wegner reported on the status of the various storm drain projects (see memo attached), noting that concerns about funding need to be resolved. Councilmember Irons asked how much storm water flows into the North Kenilworth drainage basin from Garrett Park Estates. Councilmember Wegner indicated that it would be difficult to calculate and that in any case, there was no mechanism to regulate or collect fees for needed improvements from non-Town residents. The County may be helpful and needs to be approached. Councilmember Schulp asked about possible runoff from Town roads. Mayor Keller recounted his site visit during a recent heavy rainstorm, during which he observed no evidence of runoff from the street, and that all water appeared properly directed into the existing drain inlets along the part of Kenilworth Avenue at and beyond 11312.

Councilmember Mandel asked about how best to handle the inlet located at 10705 Shelley Court where substantial subsidence had been observed. Councilmember Wegner stated that there were two approaches: the first would be to thoroughly evaluate the inlet and go in now to assess how much work is required and make that part of engineering drawings for soliciting a bid, or to wait until the project starts at which time the inlet would be dug up for a better assessment, and then to add the needed additional work to the project at an agreed to additional work order price.

Councilmember Mandel asked if the repairs proposed for the Montrose-Clermont drain would result in any change in the amount of water running into Porcupine Woods. Administrator Pratt noted that the goal was to direct more of the over-land flow and all of the street runoff into the drainage system and to bypass the existing inlet in the front yard of the Marable property (10930 Clermont), resulting in the drainage system carrying more water and reducing the risk of flooding at 10930 Clermont. However, the total flow into Porcupine Woods would not increase, it would be better directed. Administrator Pratt also pointed out that there was concern that the old clay 21” pipe coming down from the inlet in the rear of 10915 Montrose was both under-sized and deteriorating, and that there was also a concern that the 24” pipe crossing under Clermont Avenue to

Porcupine Woods is also undersized, though it appears to be in good condition.

Councilmember Irons noted the potential role of rain gardens and other on-site facilities that could reduce storm water flow into the Town's drainage system, particularly on North Kenilworth. There was discussion as to their benefit and potential impact on sizing of final drains, noting the challenges in getting property owners to participate.

Mayor Keller asked to what degree the Town should act to accommodate and assist residents in dealing with private drainage problems at North Kenilworth Avenue, noting that increasing the capacity of our pipe to allow direct acceptance of private drainage seems appropriate, but that developing any private collection system should be the residents' responsibility. Councilmember Mandel suggested that the Town could cover the cost of developing plans for such systems, with the residents assuming the cost of construction. After extended discussion, Mayor Keller noted that it appeared to be the sense of the Council that the Town should approach homeowners regarding private storm water control systems, and that the Town should also get an estimate for a study from Chester Engineers.

**Town Administrator Report:**

- Monthly Financial Report - Administrator Pratt reviewed the Monthly Financial Report with the Council.
- FY 2010 Financial Statements - Administrator Pratt noted that the FY 2010 audit report was in the Council's meeting packets and that Councilmembers should review it and call him if they had questions.
- Permits Report - Administrator Pratt reviewed the monthly permits report with the Council

**Adjournment:** The meeting adjourned at 9:50 PM

Respectfully submitted,

[TOWN SEAL]

*Edwin Pratt, Jr.*

Edwin Pratt, Jr., Clerk-Treasurer

## **A RESOLUTION REGARDING STATE SHARED REVENUES**

FOR THE PURPOSE of petitioning the Administration and the Maryland General Assembly to reinstate state shared revenues diverted from municipal governments to fund operations of the state and to provide more diverse revenue raising authority to municipalities.

WHEREAS, The State has slashed vital State-shared revenues historically provided to municipal governments, on average, by more than 75% for this current fiscal year and by more than 90% for many municipalities;

WHEREAS, Future budgets approved by the Administration and the Maryland General Assembly continue these significant and untenable cuts to cities and towns;

WHEREAS, Municipal governments more than any other government form in Maryland rely on the property tax as their primary general fund revenue source;

WHEREAS, Increases in property tax rates, cutbacks in local service provision, elimination of local road projects, and reductions in workforce are the sole options left to municipalities to offset this devastating loss of general fund revenues and incorporated municipalities' extremely narrow taxing authority prevents them from raising alternative funds to lost highway user revenues and police aid that have been diverted to balance the state's general fund;

WHEREAS, This issue is of significant importance to the Town of Garrett Park and it is critical that the Administration and Maryland General Assembly take actions needed to rectify this serious problem; and

WHEREAS, The Town of Garrett Park supports the efforts of the Maryland Municipal League to reinstate lost state funding for municipal governments and to create alternative municipal funding mechanisms.

BE IT RESOLVED, That the Town Council of Garrett Park, Montgomery County, Maryland convened on 08 November 2010 to urge the Administration, for this coming and future fiscal years, to submit a budget document to the General Assembly reinstating to municipal governments full funding for highway user revenues and state aid for police protection; and that the Maryland General Assembly enact and the Governor sign into law enabling legislation to significantly broaden the authority of incorporated municipalities to raise own-source

revenues to reduce the reliance of cities and towns on the property tax to fund municipal government services.

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Chris Keller, Mayor

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Beth Irons, Councilmember

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Jack Mandel, Councilmember

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Chris Petito, Councilmember

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Phil Schulp, Councilmember

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Hans Wegner, Councilmember

Attest True Copy:

[TOWN SEAL]

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Edwin Pratt, Jr., Clerk-Treasurer



**Town Office**

PO Box 84, 4600 Waverly Avenue  
Garrett Park, MD 20896-8932  
Tel: 301 933-7488 Fax: 301 933-8932  
garrett-park@comcast.net



**MEMORANDUM**

**To:** Chris Keller, Mayor  
Hans Wegner, Councilmember

**From:** Ted Pratt

**Re:** Storm Drain Repairs

**Date:** 05 November 2010

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Shelley Court

1. Design completed.
2. Current Cost estimate \$110,000
3. Outstanding issues:
  - a. Getting necessary permission from Parkside Condominiums
    - This may be fairly simple, as we are keeping all elements of the outfall within the existing easement.
    - We may need some form of a temporary construction easement on the westerly side.
  - b. Getting an expanded easement from Mrs. Newman
    - This should be straightforward. As soon as the project is approved I can have the necessary documents drawn up by David Podolsky.
  - c. How to handle the inlet adjacent to the Benjamin property
    - It has been suggested that we add the replacement of this inlet to the RFP.
      - i. Do we want to do any exploratory excavation to see how much of the Keswick drain needs replacing?
      - ii. Need to calculate additional cost.

North Kenilworth Avenue

1. Design and bid book completed:
  - a. Proposed increased capacity from 10-year to 25-year storm in anticipation of connections from private property.
    - i. Design issues to be resolved:

- Does the larger pipe need to go all the way to the original outfall of the Town drain, located next to the May's driveway?
  - Confirm that runoff from the street is being properly directed to the inlets
2. Cost estimate currently \$80,000. Probable 20% increase to change design to accommodate 25-year storm.
  3. Outstanding issues.
    - a. How to resolve drainage problems wholly on private property?
      - i. Who is responsible for developing design?
      - ii. How will this work be funded?
    - iii. Who will be responsible for maintenance?
      - I would suggest that the Town develop an annual maintenance program for this system, require maintenance easements, and take responsibility for all future maintenance. Property owners would be billed based on some formula established by enforceable contract when the system is approved.
      - Future repairs would be funded under the established formula.

#### Montrose-Clermont Drain

1. Survey work completed, Chester is working on the design
2. Very rough cost estimate is \$205,000
3. Outstanding issues:
  - a. Does the Town have any basis to expect support from the state?
  - b. How to fund:
    - i. Separate from other drainage projects and delay implementation so that FY12 & 13 funds can be used.
    - ii. Proceed as planned and draw down Town reserves.
    - iii. Leave new drain installed in Clermont to handle water coming from Montrose inlets for a later date. (Should save \$50-75K)
    - iv. Link to street repair bond issue and put off until summer/fall

Project	Actual (Estimated) Cost	Expended to Date	Currently Budgeted	Budget Increase (Decrease)
<b>North Kenilworth Drain</b>				
Legal - Easements:	3,500	3,225	3,500	0
Surveying:	7,750	7,750	7,750	0
Engineering - Design:	5,000	4,750	5,000	0
Engineering - Construction:	7,500	0	7,500	0
Fees:	2,500	0	2,500	0
Construction - To Bid:	35,000	0	35,000	0
Construction - Change Orders:	5,000	0	5,000	0
General Requirements @ 10%:	5,000		5,000	0
Contingency @ 10%:	5,000	0	5,000	0
Escalation @ 3%:	1,500		1,500	0
Other:	<u>2,250</u>	<u>0</u>	<u>2,250</u>	<u>0</u>
<b>Totals:</b>	80,000	15,725	80,000	0

<b>Shelley Court Drain</b>				
Legal - Easements:	2,500	590	1,000	1,500
Surveying:	7,500	6,200	6,500	1,000
Engineering - Design:	5,000	4,750	2,000	3,000
Engineering - Construction:	7,500	0	0	7,500
Fees:	2,750	225	0	2,750
Construction - To Bid:	60,000	0	0	60,000
Construction - Change Orders:	5,000	0	0	5,000
General Requirements @ 10%:	6,000	0	0	6,000
Contingency @ 10%:	6,000	0	0	6,000
Escalation @ 3%:	2,000	0	0	2,000
Other:	<u>5,750</u>	<u>0</u>	<u>500</u>	<u>5,250</u>
<b>Totals:</b>	110,000	11,765	10,000	100,000

<b>Montrose-Clermont Drains</b>				
Legal - Easements:	2,500	0	0	2,500
Surveying:	10,000	0	0	10,000
Engineering - Design:	12,500	0	0	12,500
Engineering - Construction:	12,500	0	0	12,500
Fees:	2,500	0	0	2,500
General Requirements @ 10%:	10,000	0	0	10,000
Construction - To Bid:	100,000	0	0	100,000
Construction - Change Orders:	10,000	0	0	10,000
General Requirements @ 10%:	10,000	0	0	10,000
Contingency:	30,000	0	0	30,000
Escalation @ 3%:	5,000	0	0	5,000
Other:	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Totals:</b>	205,000	0	0	205,000

**Total Project:** 395,000